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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 (HONORABLE JEFFREY T. MILLER)

UNITED STATES OF AMERICA,)	Crim. Case No. 10CR4246-JM
)	
Plaintiff,)	JOINT MOTION FOR ORDER
)	EXCLUDING TIME UNDER THE
v.)	SPEEDY TRIAL ACT
)	
BASAALY SAEED MOALIN (1),)	
MOHAMED MOHAMED MOHAMUD (2),)	
ISSA DOREH (3),)	
AHMED NASIR)	
TAALIL MOHAMUD (4),)	
)	
Defendants.)	

Plaintiff United States of America, and defendants
 Basaaly Saeed Moalin, Mohamed Mohamed Mohamud, Issa Doreh,
 and Ahmed Nasir Taalil Mohamud hereby jointly move the Court
 for an order: (1) finding the above-captioned case to be
 unusual and complex within the meaning of 18 U.S.C. §
 3161(h)(7)(B)(ii); and (2) excluding time under 18 U.S.C.
 § 3161(h)(7)(A) from April 7, 2011, to June 16, 2011.

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1 In support of said motion, the parties jointly state as
2 follows:

3 1. On January 14, 2011, a federal grand jury returned
4 a Superseding Indictment charging defendants Basaaly Saeed
5 Moalin ("Moalin"), Mohamed Mohamed Mohamud ("Mohamud"), Issa
6 Doreh ("Doreh"), and Ahmed Nasir Taalil Mohamud ("Nasir")
7 with conspiracy to provide material support to terrorists,
8 in violation of 18 U.S.C. § 2339A, conspiracy to provide
9 material support to a foreign terrorist organization, in
10 violation of 18 U.S.C. § 2339B, conspiracy to kill in a
11 foreign country, in violation of 18 U.S.C. § 956, and
12 conspiracy to launder monetary instruments, in violation of
13 18 U.S.C. § 1956. In addition, Moalin is charged with one
14 count of providing material support to terrorists, in
15 violation of 18 U.S.C. § 2339A.

16 2. Among other things, the Government has provided in
17 discovery copies of approximately 1800 audio intercepts, and
18 English translations for all or part of over 125 audio
19 intercepts. The audio intercepts are almost entirely in the
20 Somali language.

21 3. Title 18, United States Code, Section 3161(h)(7)
22 excludes delay resulting from a continuance when the court
23 finds that the "ends of justice served by taking [that]
24 action outweigh the best interest of the public and the
25 defendant in a speedy trial." Among the factors the Court
26 considers in deciding whether to grant such a continuance
27 is:

28 Whether the case is so unusual or so
complex, due to the number of defendants,

1 the nature of the prosecution, or the
2 existence of novel questions of fact or
3 law, that it is unreasonable to expect
4 adequate preparation for pretrial
proceedings or for the trial itself within
the time limits established by this
section.

5 18 U.S.C. § 3161(h)(7)(B)(ii); United States v. Lewis, 611
6 F.3d 1172, 1175 (9th Cir. 2010).

7 4. Several factors make this case both unusual and
8 complex. First, the case involves electronic surveillance
9 under FISA. Second, the intercepts are in the Somali
10 language. There are far fewer Somali linguist resources
11 available than, for example, Spanish-language resources.
12 Third, the intercepts are voluminous. Fourth, defense
13 counsel for three out of the four defendants have only
14 recently made their appearances in the case. Fifth, the
15 charges are serious: they involve allegations of conspiring
16 to kill in a foreign country and conspiracy to provide
17 material support to terrorists. Sixth, this is a multi-
18 defendant case. Counsel cannot adequately prepare for
19 pretrial proceedings or for the trial itself within the time
20 limits otherwise established by the Speedy Trial Act.

21 5. Accordingly, the parties jointly move the Court to
22 exclude time from April 7, 2011, to the next hearing date
23 on June 16, 2011, on the grounds that the case is so unusual
24 and complex that the ends of justice served by taking such
25 action outweigh the best interest of the public and the
26 defendants in a speedy trial. On June 16, 2011, and at
27 future hearings, the parties can address the Court as to
28

1 what additional continuances may be appropriate under the
2 Speedy Trial Act.^{1/}

3 DATED: April 27, 2011

4 Respectfully submitted,

5 LAURA E. DUFFY
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9 United States of America

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11 Law Offices of
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12 s/ Joshua Dratel

13 JOSHUA DRATEL

14 Attorney for Defendant
15 Basaaly Saeed Moalin

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s/Holly S. Hanover

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Mohamud

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17 Law Offices of
18 Ahmed Ghappour

19 s/Ahmed Ghappour

20 AHMED GHAPPOUR

21 Attorney for Defendant
22 Issa Doreh

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26
27 ^{1/} Because an "ends of justice" continuance "must be
28 specifically limited in time," Lewis, 611 F.3d at 1176, the
parties presently seek to exclude time until the next
scheduled hearing date of June 16, 2011.